

# ***LUNENBURG PLANNING BOARD TOWN OF LUNENBURG***

Damon McQuaid, Chair  
Matthew Allison, Vice Chair  
Kenneth Chenis, Clerk  
Gregory Bittner, Mbr.  
David Prokowiec, Mbr.



Tel: (978) 582-4147, ext 5  
Fax: (978) 582-4353  
960 Massachusetts Avenue  
Lunenburg, MA 01462

Adam R. Burney  
Land Use Director

Minutes  
March 14, 2016

Meeting Posted: Yes

Place: Town Hall, 17 Main Street, Lunenburg, MA

Time: 6:30 PM

Present: Damon McQuaid, Kenneth Chenis, Gregory Bittner, David Prokowiec, Adam R. Burney

Absent: Matthew Allison

## **ANR PLANS:**

**390 & 400 Howard Street-** Parcels C-1, C-2 and C-3 are owned by John Aro. Parcels A-1 and A-2 are owned by O'Brien Homes, Inc. Parcels A-1, A-2, C-1, C-2 and C-3 are not building lots. Parcels A-2 and C-1 will be conveyed to Rennie Shattuck to add to their property and form one single lot. Parcels C-2 and C-3 will be conveyed to O'Brien Homes and added to the existing Parcel A-1. Plan endorsed by Board.

**1346 Lancaster Road-** Parcel 1 is not to be considered a building lot; will be kept as raw land. Plan endorsed by Board.

**APPOINTMENT: 238 Fire Road 16-** K. Chenis recused himself due to a conflict of interest. Applicant J&A Realty Trust represented by Attorney Peter Knox. In order to secure a building permit for a single residence, the Applicant came before the Board in December 2015 seeking a determination that 238 Fire Road 16 was considered a buildable lot. At that time the Board brought forth multiple issues which they wanted reviewed by Town Counsel, the main ones being critical/vital access and right to use the access. Town Counsel determined that if a prescriptive easement had been established under the law, the applicant could move forward. In order for the Board to make a decision on vital access of the road the Board would need to hear a perimeter ANR Plan. Due to cost, the Applicant continued the discussion to this evening to present legal arguments to support the use of the road and an ANR Plan prior to submission. A memorandum was submitted by Attorney Knox. The Fire Chief previously noted to A. Burney that the emergency apparatus could access Fire Road 16. The Fire Department also has an automatic aid agreement with Shirley for a response on structure fire calls. The Applicant submits that a prescriptive easement has been established and exists as to the allowed use of the Fire Road as a public way. Motion, D. Prokowiec, that a prescriptive easement has been determined, Second, G. Bittner, all aye. The next step will be an ANR Plan for a single lot. At the time of ANR Plan endorsement the Board will certify that Fire Road 16 has vital access.

## **INFORMATION MEETINGS:**

**WalMart, 301 Massachusetts Avenue-** see separate minutes

**Unitil, 357 Electric Avenue (cont'd)-** see separate minutes

**PUBLIC HEARING: Zoning Articles for May 2015 Town Meeting-** see separate minutes

**MINUTES APPROVAL:** All minutes signed.

**2/22/16-** Motion, K. Chenis, Second, D. Prokowiec

**Highfield Village 2/22/16-** Motion, K. Chenis, Second, G. Bittner

**339 Electric Avenue, 2/22/16-** Motion, K. Chenis, Second, D. Prokowiec

**Unitil 2/22/16-** Motion, K. Chenis, Second, D. Prokowiec

**COMMITTEE REPORTS:**

**Building Reuse Committee-** No meeting

**Capital Planning Committee-** No report

**Agricultural Commission-** No report

**Storm Water Task Force-** A. Burney noted the SWTF is taking six portions of the MS4 permit and investigating what is required to meet MS4 permitting.

**MJTC-** Town received request for traffic counts from MRPC. Requests due to MRPC by May 1<sup>st</sup>. Board will discuss at April 11<sup>th</sup> meeting.

**MRPC-** Noted CPTC Annual Conference taking place March 19<sup>th</sup>. M. Allison and G. Bittner attending.

**Open Space Ad Hoc Committee-** No meeting

**School Building Committee-** Meeting March 23<sup>rd</sup>.

**Green Community Task Force (GCTF)-** No meeting

**BOARD CONCERNS/COMMENTS:**

D. McQuaid broached subject of limiting committee reports to the 2<sup>nd</sup> meeting of each month. Board members opined they would like to continue with each meeting. Consensus was if there are time sensitive issues to impart it can be done during Public Comment at the beginning of the Board meeting; otherwise, reports will be during the 2<sup>nd</sup> meeting of each month.

G. Bittner feels there could be better communication between Boards/Commissions.

**DEVELOPMENT STATUS REPORTS:**

**Definitive Subdivision, 50 Elmwood Road-** Foundation and backfilling taking place.

**DIRECTOR'S ITEMS:**

**339 Electric Avenue- Decision-** Decision signed by Board.

**Town Meeting, May 7, 2016-** noted

**MEETING SCHEDULE:**

March 28-

274 Prospect Street Continuation

Highfield Village Continuation

April 11

April 25

**ADJOURNMENT:** 9:10 PM

Documents used at meeting:

Minutes 02/22/16

Minutes 02/22/16 Unitil

Minutes 02/22/16 Highfield Village

Minutes 02/22/16 339 Electric Avenue

ANR Plan, 390 & 400 Howard Street

ANR Plan, 1346 Lancaster Road

339 Electric Avenue Decision

Memorandum in Support of Allowed Use of Fire Road 16 Created by a Prescriptive Easement